

1  
2  
3  
4  
5  
6  
7  
8 ANDREW R. DUPREE,  
9 Plaintiff,  
10 v.  
11 APPLE, INC, et al.,  
12 Defendants.

13  
14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 Case No. 16-CV-00289-LHK

19  
20  
21  
22  
23  
24  
25  
26  
27  
**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
ORDER REQUESTING CLERK'S  
OFFICE AND U.S. MARSHAL TO  
EFFECTUATE SERVICE**

28 On January 19, 2016, Plaintiff Andrew Dupree ("Dupree") brought suit against Defendants Apple, Inc.; Tim Cook; Brenda Everson; and Suzanne Pierre-Ziles (collectively, "Defendants"). ECF No. 1. On January 19, 2016, Dupree filed motions for leave to proceed *in forma pauperis*, ECF No. 2, and for permission for electronic case filing, ECF No. 4. Also on January 19, 2016, Dupree filed a proposed summons. ECF No. 3.

On January 22, 2016, U.S. Magistrate Judge Howard Lloyd granted Dupree's motions for leave to proceed *in forma pauperis* and for permission for electronic case filing. ECF No. 7. However, Judge Lloyd's January 22, 2016 Order did not instruct the Clerk of the Court to issue a summons and did not order the U.S. Marshal to serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, Plaintiff's affidavit, and Judge

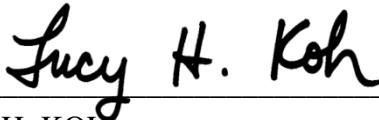
1       Lloyd's January 22, 2016 Order upon Defendants. Accordingly, it appears that a summons was  
2 not issued, and Defendants have not yet been served.

3           On February 3, 2016, Dupree declined magistrate judge jurisdiction, and on February 8,  
4 2016, the instant action was reassigned from Judge Lloyd to the undersigned. ECF No. 10. On  
5 February 23, 2016, the following filings, which were sent to the mailing address listed on  
6 Dupree's complaint, were returned as undeliverable: (1) Judge Lloyd's January 22, 2016 Order;  
7 (2) a February 5, 2016 Clerk's Notice of Impending Reassignment; and (3) the February 8, 2016  
8 Order Reassigning this Action to the Undersigned. *See* ECF Nos. 11, 13 & 14. On March 3,  
9 2016, Dupree filed a notice of change of address. ECF No. 15. Accordingly, it appears that  
10 Dupree has not been informed that his motions for *in forma pauperis* and electronic case filing  
11 were granted and that the initial case management conference, which was scheduled via an  
12 electronic clerk's notice, ECF No. 11, is currently set for March 23, 2016, at 2:00 p.m.

13           In light of these circumstances, the Court hereby ORDERS the Clerk of the Court to issue  
14 a summons and ORDERS the U.S. Marshal for the Northern District of California to serve,  
15 without prepayment of fees, a copy of the complaint, any amendments, scheduling orders,  
16 attachments, Plaintiff's affidavit, Judge Lloyd's January 22, 2016 Order, and the instant order  
17 upon Defendants. The Court also ORDERS the Clerk of the Court to deliver to Dupree, via both  
18 postal mail and email: (1) Judge Lloyd's January 22, 2016 Order; (2) the February 5, 2016  
19 Clerk's Notice of Impending Reassignment; (3) the February 8, 2016 Order Reassigning this  
20 Action to the Undersigned; and (4) the Instant Order. Finally, the initial case management  
21 conference, currently set for March 23, 2016, at 2:00 p.m., is hereby CONTINUED to April 27,  
22 2016, at 2:00 p.m. The parties shall file their joint case management statement by April 20, 2016.

23 **IT IS SO ORDERED.**

24 Dated: March 17, 2016

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge